

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x

LAWRENCE COLEMAN,

Plaintiff,

-against-

TOWN OF HEMPSTEAD, and TOWN OF HEMPSTEAD
SANITATION DEPARTMENT,

Defendants.

----- x

CV-16-3462
(SJF)

DECLARATION OF DONNA
A. NAPOLITANO IN
SUPPORT OF
DEFENDANTS' MOTION IN
LIMINE

DONNA A. NAPOLITANO, an attorney admitted to practice in the United States District Court for the Eastern District of New York, declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, as follows:

1. The undersigned is a Partner in the firm Berkman, Henoch, Peterson, Peddy & Fenchel, P.C., and Counsel to the Defendants, Town of Hempstead and Town of Hempstead Sanitation Department ("Defendants") in the above captioned action, and as such, is fully familiar with the facts and circumstances set forth herein.
2. This Declaration and the attached exhibits are being submitted in support of the Defendants' Motion in Limine.
3. Attached hereto as "**Exhibit A**" are excerpts from the deposition of Plaintiff, Lawrence Coleman ("Coleman Tr.") dated March 16, 2017.
4. Attached hereto as "**Exhibit B**" is a Notice of Discipline and Charges issued to Plaintiff dated February 27, 2015.
5. Attached hereto as "**Exhibit C**" is Plaintiff's Letter of Resignation dated April 9, 2015.
6. Attached hereto as "**Exhibit D**" are the Class Specifications for the Civil Service title

“Sanitation Foreman I.”

7. Attached hereto as “**Exhibit E**” are the Class Specifications for the Civil Service title

“Labor Crew Chief I.”

8. Attached hereto as “**Exhibit F**” are excerpts from the deposition of non-party Thomas

Metzger (“Metzger Tr.”) dated May 12, 2017.

9. As set forth more fully in the accompanying Memorandum of Law, the Defendants

respectfully submit that an order granting Defendants’ Motion in Limine is warranted.

Dated: Garden City, New York

April 17, 2018

/s/

Donna A. Napolitano